

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

SERGE KANNON,

Plaintiff,

v.

RICHARD ZEITLIN,

Defendant.

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CASE NO. 1:22-cv-04728-AMB-PK

**REPLY IN SUPPORT OF MOTION TO DISMISS**

Defendant Richard Zeitlin (hereinafter “Zeitlin”), through his counsel of record, Daniel J. Treuden, respectfully files this reply in support of his dismiss for failure to state a claim. The motion is filed pursuant to Fed. R. Civ. P. 12(b)(6).

On September 19, 2022, Plaintiff Serge Kannon (“Kannon”) filed his memorandum opposing the motion to dismiss filed by Richard Zeitlin (“Zeitlin”). (Docs. 5-6.) In Kannon’s memorandum, he states that he has additional information that can supplement the original complaint he filed, but he does not argue that the original complaint states a claim under the federal rules. Since this is early in the case and leave to amend should be freely given when the ends of justice so require, Kannon should be granted leave to amend. Consequently, the motion to dismiss should be granted without prejudice and Kannon be granted leave to amend by a date set by the Court.

Respectfully submitted on September 28, 2022.

THE BERNHOFT LAW FIRM, S.C.  
Attorney for Richard Zeitlin

/s/ Daniel J. Treuden

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